

# What does Law and Justice's election victory in Poland mean for Europe?

*Poland held parliamentary elections on 25 October, with the conservative Law and Justice party defeating the incumbent Civic Platform government. **Aleks Szczerbiak** assesses what the election result means for Poland's relations with Europe. He writes that although the campaign was dominated by domestic issues, Law and Justice's victory could herald a substantial shift in the country's foreign policy. However, he notes that divisions between Polish parties on international affairs are often an extension of domestic politics by other means and experience suggests that the new government may be more Eurosceptic in its rhetoric than in practice.*



The strategy of the outgoing government, led by the centrist **Civic Platform** (PO), was to locate Poland within the so-called 'European mainstream' by presenting the country as a reliable and stable EU member state and adopting a positive and constructive approach towards the main European powers, especially Germany.

By positioning Poland at the centre of the Union's decision-making core it claimed that – in contrast to its predecessor, led by the right-wing **Law and Justice** (PiS) party – it was effective in promoting the country's interests at the international level. The appointment in September 2014 of the then Polish prime minister and Civic Platform leader Donald Tusk as President of the European Council was presented as the crowning achievement of the previous government's strategy of projecting Poland as a 'model' European state at the forefront of the EU integration project.

Law and Justice, the main opposition grouping in the previous parliament and which (although only provisional results have been announced) looks set to head up the new government, also supports Polish EU membership. However, it is, in rhetorical terms at least, a broadly anti-federalist (verging on Eurosceptic) grouping committed to opposing further European integration and defending Polish sovereignty.

This is especially the case in the moral-cultural sphere where it rejects what it sees as a hegemonic EU liberal-left consensus that undermines Poland's traditional values and national identity. Law and Justice also argues that Poland needs to be more robust and assertive in advancing its national interests. Rather than simply following European mainstream politics, which it sees as being driven by Germany, it says that the country needs to re-calibrate its relationships with the major EU powers and form its 'own stream' that can counter-balance their influence.



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Indeed, since the outbreak of the Eurozone crisis the party has, if anything, articulated a more fundamental, principled critique of closer European integration, suggesting that the allocation of decision making powers between Brussels and member states should be re-visited to strengthen national sovereignty in areas such as climate policy where it claims EU policies are damaging Polish industry.

## **Scepticism about the euro**

Law and Justice's different approach towards European integration can be seen in the party's attitude towards Polish adoption of the euro. For sure, the outgoing Civic Platform-led government toned down its earlier enthusiasm for rapid euro adoption, stressing that it did not have a target date and that this would not occur in the immediate future. Nonetheless, in spite of the turbulence in the single currency area, it remained committed to fulfilling the criteria for Eurozone accession as quickly as was realistically possible, as part of its long-term strategic goal for Poland to be at the centre of the EU's decision-making core.

On the other hand, Law and Justice argues that the country should not adopt the euro until the Polish economy is more closely aligned with the rest of the EU and that any final decision should be approved by a referendum. Indeed, the party has increasingly given the impression that, with the Eurozone's huge internal problems, it could not envisage any point in the foreseeable future when it would be advantageous for Poland to adopt the single currency.

In this respect the new government will be in tune with Polish public opinion: while there is still overwhelming support for EU membership, most Poles also oppose their country joining the Eurozone. During the election campaign, Law and Justice deputy leader and prime ministerial nominee Beata Szydło tried to tap into this by pledging that one of her first acts if elected will be to disband the office of government plenipotentiary responsible for Poland's euro entry.

## **A more active eastern policy?**

The difference between Law and Justice and Civic Platform's foreign policies can also be seen in their approaches to developing relations with Russia and Ukraine. Formally the two parties appear to be very similar: both supporting the idea of Poland being at the forefront of efforts to ensure that the international community adopts a robust response to Russian intervention – specifically, that EU sanctions are maintained and extended – and favouring a larger NATO presence in Central Europe.

However, Law and Justice claims that the Civic Platform-led government was, notwithstanding occasional flushes of anti-Moscow rhetoric, constrained by its unwillingness to move too far beyond the EU consensus and act as a counter-balance to the major European powers which, it argues, are over-conciliatory towards Moscow. The result of this was, it argues, a failure to conduct a sufficiently active eastern policy.

Law and Justice, therefore, wants to sharpen EU and NATO policy towards Russia. It is likely to try and use the 2016 NATO Warsaw summit to strengthen Poland's defence infrastructure by securing a greater military presence in the country, preferably including permanently stationed US forces or military bases, and locating defensive weaponry on the Alliance's eastern flank; something opposed by Germany as too provocative towards Russia. A Law and Justice-led government will also try and achieve a stronger Polish presence in international negotiations on Ukraine's future and policy towards Russia, and be more open to providing military aid to Kyiv within the framework of the NATO alliance.

More broadly, Law and Justice has sought to contrast what it claims is its accurate diagnosis of Russian motives with the Civic Platform-led government's earlier conciliatory approach towards Russian President Vladimir Putin, which events in Ukraine have shown to be naïve and short-sighted. As part of this, the party has identified itself with the so-called 'Jagiellonian policy' promoted by the late Lech Kaczyński – twin brother of Law and Justice leader Jarosław Kaczyński, and who was the party-backed President between 2005-10 – which envisaged Poland playing the role of regional leader and building a broad military and political coalition of post-communist East-Central European states to counter Russian expansionism.

The new government is likely to try and breathe new life into the Jagiellonian project by re-building alliances with other post-communist states, although this will not be easy given that some of them have even questioned the rationale behind existing EU sanctions against Russia.

## **Resisting EU migration quotas**

More recently, Law and Justice's different approach towards European integration could be seen in its attitudes towards the migration crisis. The outgoing Civic Platform-led government tried to strike a balance between competing domestic and international pressures. On the one hand, it was concerned to be seen to be responding to popular anxieties and defending Polish interests against EU institutions trying to impose migrants upon the country.

Poland is an overwhelmingly Catholic country with very few ethnic minorities, and virtually none who are non-European. As such the country has had little experience of the modern migrations that have transformed Western Europe. Poles are keen to avoid the kind of cultural and security problems that many of them feel West European countries have experienced through admitting large numbers of Muslim migrants, who are seen as difficult to assimilate and embedding violent extremists within their communities.

At the same time, the outgoing government came under growing pressure – both domestically from the liberal-left media and cultural establishment, and internationally from Brussels and other EU states – to play a greater role in helping to alleviate the crisis by participating in a Europe-wide burden sharing plan. As a consequence, having initially opposed the European Commission's proposal for mandatory binding quotas for the relocation of migrants among EU states, following the wave of migration during the summer the Civic Platform administration changed its approach.

Calling for what it termed 'responsible solidarity' with West European states, it said that Poland was ready to share the burden of the crisis by taking in larger numbers of migrants. The Civic Platform government was concerned that Poland was losing the public relations war in the western media by coming across as one of the countries least sympathetic to the migrants' plight. At the September EU summit, therefore, Warsaw went against its Central European allies from the 'Visegrad' countries (the Czech Republic, Hungary and Slovakia) on this issue and voted for the EU distribution plan, agreeing to accept 4,500-5,000 additional migrants (increasing to around 7,000 in total next year).

Law and Justice, on the other hand, has argued that Poland should resist EU pressure to take in migrants and instead make policy decisions based on Polish interests. The party has warned that there is a serious danger of making the same mistakes as many West European countries, whereby a large number of migrants who do not respect Polish laws and customs end up imposing their way of life so that Poles become 'guests in their own country'.

It has cited examples of EU states with large Muslim communities where it claims that such a scenario is already unfolding. Law and Justice argued that rather than taking in migrants, the EU should concentrate on providing aid to refugee camps in the Middle East and North African regions. Not surprisingly, therefore, it accused the Civic Platform government of betraying its Central European allies and violating national sovereignty by taking decisions under EU pressure that might undermine Polish culture and security without the agreement of the nation.

It argued that the figure of around 7,000 migrants was unrealistic because family members would be able to join initial arrivals and that it was naïve to believe that this quota would not be used as a precedent to force Poland to take in additional migrants in the future. A Law and Justice-led government would, therefore, oppose Poland taking in additional migrants under the EU scheme and may even try to unpick the existing deal agreed to by its predecessor.

### **More Eurosceptic in rhetoric than practice?**

Although the issue of Polish-EU relations has been highly contested in recent years these divisions were often not about the substance of the European integration project as such. Rather, they were simply an extension of domestic politics by other means, with Law and Justice and Civic Platform treating the EU as a so-called 'valence' issue where they competed over which of them was most competent to pursue a shared goal; in this case, representing and advancing Polish national interests within the Union.

In fact, although a Law and Justice-led administration would be more assertive in terms of trying to carve out an independent foreign policy and more Eurosceptic in tone than its predecessor, in practice it is not likely to take any

radical steps against the EU integration process. It is worth bearing in mind that when it was last in government in 2005-7 the party's rhetorical inter-governmentalism often gave way to a more integrationist approach in practice – for example, signing Poland up to the Lisbon treaty – and that it has never opposed Polish adoption of the euro in principle. Experience, therefore, suggests that a Law and Justice government would probably be more Eurosceptic in its rhetoric than in practice.

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